IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:22-CV-00059-MR-WCM

BRYAN KEITH HALL,)	
Plaintiff,)	ORDER
v.)	Ouper
BENNETT SETSER, III, et al.,))	
Defendants.)	
)	

This matter is before the undersigned for the purpose of conducting a judicial settlement conference.

A conference was initially convened on Thursday, August 3, 2023. Doc. 41. However, the conference could not be conducted as Plaintiff was unexpectedly unavailable. The conference was continued to September 19, 2023. Doc. 46.

Defendants subsequently advised that Plaintiff had been taken into federal custody in connection with charges pending against him in the United States District Court for the Eastern District of Tennessee. Consequently, the undersigned again continued the conference and directed counsel for the parties to investigate issues related to Plaintiff's location and availability and to file a joint status report on or before October 10, 2023. Doc. 48.

The parties complied and provided additional information about Plaintiff's current location. Plaintiff's counsel also advised that personnel at the facility where Plaintiff is housed indicated that Plaintiff could participate in a judicial settlement conference from that facility. Doc. 50.

Accordingly, the judicial settlement conference is rescheduled for Wednesday, December 6, 2023 from 9:30 a.m. to 11:30 a.m.

The conference will be conducted by telephone. Call-in information will be provided to counsel for the parties by separate communication.

Plaintiff shall participate in the conference from the facility where he is currently housed. That facility is respectfully requested to allow Plaintiff to participate in such a manner so that he may confer privately with his counsel, including in a private setting if that is reasonably possible.²

Consistent with the Court's prior Order (Doc. 45), the individual Defendants are excused from personally attending the conference, provided however that Defendants shall be reachable by telephone, if needed.

¹ With the assistance of the United States Marshals Service, the undersigned's chambers has contacted the staff at that facility and has been advised that Plaintiff can be made available for a settlement conference at the time and date set forth in this Order.

² While the Court prefers that Plaintiff and his attorney be together at the facility and participate from the same room, the undersigned will leave those issues to the discretion of the facility and Plaintiff's counsel. However, if counsel is not physically located at the facility with Plaintiff during the conference, they should participate using a single telephone line.

A representative of the North Carolina Department of Adult

Corrections and defense counsel must participate and may do so from any

location they deem appropriate, provided that they participate using a single

conference line.

The Clerk is respectfully directed to send a courtesy copy of this Order

to staff at the facility where Plaintiff is housed, and to the USMS.

Plaintiff's counsel is directed to consult with appropriate personnel at

the facility sufficiently in advance of the conference to address any logistical

issues so that the conference can proceed as now rescheduled.

It is so ordered.

W. Carleton Metcalf

United States Magistrate Judge

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